



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/663,509

09/16/2003

Ronald P. Doyle

RSW920030124US1 (112)

1867

46320

7590

06/24/2008

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP

STEVEN M. GREENBERG

950 PENINSULA CORPORATE CIRCLE

SUITE 3020

BOCA RATON, FL 33487

EXAMINER

ANTONIENKO, DEBRA L

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

06/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,509	Applicant(s) DOYLE ET AL.	
	Examiner DEBRA ANTONIENKO	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003 and 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 9, and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to communication received September 16, 2003 (Application) and May 23, 2008 (Preliminary Amendment), wherein:

Claims 1, 9, and 13 have been amended and are pending.

Claims 2-8, 10-12, and 14-16 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "article of manufacture" as a statutory class for the current invention is misleading. The appropriate classification for the claimed invention would be an apparatus.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3689

5. Claims 1, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitroda, U.S. Patent Number 5,884,271 (hereinafter referred to as Pitroda).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Regarding Claim 1 (Currently Amended):

Pitroda teaches a receipt management article of manufacture comprising:

a computer storage medium configured to store receipt data from multiple disparate vendors (column 10, lines 4-32);

communications logic for establishing a communicative link between the system and receipt data processing logic disposed within individual ones of said multiple disparate vendors (column 10, lines 26-39);

a receipt management processor programmed to moderate access to said storage medium, wherein said storage medium further comprises a configuration for indexing said store receipt data according to at least one of a vendor identifier and a transaction identifier (column 12, lines 60-65; Figure 7);

security and authentication logic programmed to secure access to said receipt data through at least one of encryption, password protection and certificate validation and authentication (column 13, line 66 – column 14, line 18; Figures 10 and 11).

Claims 2-8 (Cancelled)

Regarding Claim 9 (Currently Amended):

Pitroda further teaches a method for electronic receipt management comprising the steps of:

establishing a communicative link between a data store of electronic receipts from multiple disparate vendors, and an individual one of said multiple disparate vendors (column 10, lines 26-39; column 15, lines 22-25; Figures 2 and 25);

authenticating said individual one of said multiple disparate vendors (column 7, lines 30-35);

locating a specific electronic receipt stored within said data store which corresponds to an identifier provided by said individual one of said multiple disparate vendors (column 12, lines 21-32 and lines 60-67; Figure 2); and,

transmitting said located specific electronic receipt to said individual one of said multiple disparate vendors over said established communicative link, wherein said establishing step comprises the step of

Art Unit: 3689

inserting a portable storage medium containing said data store into a reader coupled to said individual one of said multiple disparate vendors (column 13, lines 1-8; Figure 7).

Claims 10-12 (Cancelled)

Regarding Claim 13 (Currently Amended):

Pitroda further teaches a computer-readable medium ~~machine-readable storage~~ having stored thereon a computer-readable instructions program for electronic receipt management, the computer-readable instructions program comprising a routine set of instructions for causing a computer system ~~the machine~~ to perform the steps of:

establishing a communicative link between a data store of electronic receipts from multiple disparate vendors, and an individual one of said multiple disparate vendors (column 10, lines 26-39; column 15, lines 22-25; Figures 2 and 25);

authenticating said individual one of said multiple disparate vendors (column 7, lines 30-35);

locating a specific electronic receipt stored within said data store which corresponds to an identifier provided by said individual one of said multiple disparate vendors (column 12, lines 21-32 and lines 60-67; Figure 2); and,

transmitting said located specific electronic receipt to said individual one of said multiple disparate vendors over said established communicative link, wherein said establishing step comprises the step of inserting a portable storage medium containing said data store into a reader coupled to said individual one of said multiple disparate vendors (column 13, lines 1-8; Figure 7).

Claims 14-16 (Cancelled)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tognazzini (U.S. Patent Number 5,739,512) discloses a digital delivery of receipts. Smith et al. (U.S. Patent Number 6,487,540 B1) discloses electronic receipt transmission and management.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is

Art Unit: 3689

(571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Debra Antonienko/
Examiner, Art Unit 3689
06/10/2008

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689